

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
**ASBESTOS LITIGATION**

**Docket No:** L-3809-12 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER VIII**

GAIL ANDRU (Estate of Andrew Nelson),	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, et al	<i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 24, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Breuninger Fellman	Raymond Chow	NAPA
Budd Larner	Terence W. Camp	Ericsson, Inc.
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed
Darger Errante	Sandra Steinman	Lightolier
Day Pitney	Alba Aviles	Phelps Dodge Ind.
Forman Watkins	Thomas Toman	Cooper Industries
Gibbons PC	Stephen J. Finley	Selby Battersby; Honeywell
Harris Beach	David Kochman	Progress Lighting; Hubbell Inc.; Hubbell Power Systems
Hoagland Longo	Jason R. Gosnell	Exteco; Goulds Pumps; WW Grainger
Kelley Jasons	Angela Caliendo	Square D; Victaulic; Northern Pump; McNally
Leader & Berkon	Susan Cirirlli	IMO Industries; Spirax Sarco
Lynch Daskal	Alexander Broche	Georgia Pacific
Margolis Edelstein	Justin M. Bettis	Belden; Alpha Wire; John Crane
Marks O'Neill	Sebastian Goldstein	Whirlpool Corp.; Columbia Boiler
Marshall Dennehey	Paul Johnson	Warren Pumps; RSCC Wire & Cable; AIW; Leviton
Mayfield Turner	Sara Saltzman	Carrier Corp.
McCarter & English	David J. Cooner	Hercules; Ashland, Inc.
McCullough Ginsberg	Damon T. Kamvosoulis	Okonite
McElroy Deutsch	Joseph D. Rasnek	Allen-Bradley; Burnham
McElroy Deutsch	Brian Sorensen	Eaton
McGivney Kluger	Caitlin Christie	Taco; Nash; Treadwell; Graybar
McGivney Kluger	Kevin Hoffman	Weil-McLain; Simplex; CCX; Gardner Denver; Flowserve
Pascarella DiVita	Stephanie DiVita	Trane; General Cable; Crane
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Adrianna Exler	Aurora; Cleaver Brooks; CR Daniels; Goulds Electronics; Samson Electric Supply
Salmon Ricchezza	Justin Callaway	AGCO Corp.
Segal McCambridge	Kevin Turbert	National Lighting
Vasios Kelly	Brooke Anderson	Bird
Wilbraham Lawler	Tristin Fabro	Buffalo Pumps; Siemens

IT IS on this 30<sup>th</sup> day of June, 2016 *effective from the conference date;*

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

### **DISCOVERY**

October 31, 2016      Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.

November 30, 2016      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 31, 2016      Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 16, 2016      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 6, 2017      Summary judgment motions shall be filed no later than this date.

February 3, 2017      Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 31, 2016      Plaintiff shall serve additional medical expert report by this date.

October 31, 2016      Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 31, 2017      Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

January 3, 2017      Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

March 31, 2017      Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

### **ECONOMIST EXPERT REPORTS**

January 3, 2017      Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

March 31, 2017      Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

### **EXPERT DEPOSITIONS**

April 21, 2017      Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

### **PRE-TRIAL AND TRIAL**

November 9, 2016      The settlement conference previously scheduled on this date is **cancelled**.

April 19, 2017 @ 10:00am      Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

May 15, 2017      Trial Date. (*The December 12, 2016 trial is adjourned to this date.*)

<b>Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.</b>
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*/s/ Ana C. Viscomi*  
ANA C. VISCOMI, J.S.C.

cc:      Clerk, Mass Tort